

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

v.

BANKRATE INC.,

Defendant.

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Civil Action No. 07-3398 (ES) (CLW)

ORDER

SALAS, DISTRICT JUDGE

For the reasons set forth in the Opinion filed herewith,

IT IS on this 30th Day of July 2012

ORDERED that Bankrate Inc.'s Motion to Dismiss BanxCorp's Fifth Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), (D.E. 306), is GRANTED as to the First Claim, DENIED as to the Second and Third Claims, and GRANTED in part and DENIED in part as to Fifth Claim; and it is further

ORDERED that the Clerk of Court shall terminate Docket Entry No. 306.

s/Esther Salas X
Esther Salas, U.S.D.J.